

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**September 9, 2019**

The Westfield Board of Adjustment met on Monday, September 9, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

**REGULAR MEETING:**

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Eldy Pavon, Allyson Hroblak, Mary Doyle  
ABSENT: Matt Sontz and James Keenoy  
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the August 12, 2019, meeting. Robert Benacchio made a motion to adopt the minutes; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Eldy Pavon, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Matt Sontz and James Keenoy

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the August 12, 2019, meeting:

**Robert Nash, 1915 Grandview Avenue**, application approved with conditions.  
**Garrick & Ann Stavrovich, 314 Edgewood Avenue**, application approved with conditions.  
**Curt Cimei & Leslie Bridgman, 414 Hillside Avenue**, application approved with conditions.

Robert Benacchio made a motion to adopt the resolutions; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Eldy Pavon, Allyson Hroblak, Mary Doyle

OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Matt Sontz and James Keenoy

Motion carried.

*Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).*

### **CARRIED FROM AUGUST 12TH:**

#### **Pedro Pizha, 612 Ripley Place**

12/13/2018

Applicant is seeking approval for an addition contrary to Section 12.03D & 12.04F1 of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is  $\pm 6$  feet. Ordinance allows a maximum building coverage of 20%. Proposed is 22.9%. **Application deemed complete April 15, 2019. 120 day decision date is August 13, 2019.**

Chairman Masciale swore in Pedro Pizha, and his architect, Jeffrey Lewis (368 Broad Street, Newark). The Board accepted Mr. Lewis's credentials as a licensed architect.

Mr. Lewis stated the plans were revised since they were in front of the Board in June. This a two-family home that we are adding onto. We have an existing nonconforming lot that is under on lot width, lot frontage, and lot area. There is an existing side yard setback of 1.95 feet on the left side where a minimum of 10 feet is required, and we are not adding onto that side. One of the variances being requested is for the front yard setback. A 25-foot minimum front yard setback is required, and the existing setback is 6 feet. Mr. Lewis stated the front yard setback will remain at 6 feet, because 6 feet is more harmonious with the neighborhood. A variance for building coverage is also required. We were previously at 24.7% when we were here in June, and the coverage has been reduced to 22.9%. The revised plan allowed us to keep each apartment as 3-bedroom 2 bath, but we were able to take off 125 square feet. The house will be resided with hardie plank siding, there will be new windows installed, a standing seam metal roof, and stone veneer on the base of the building.

Open to public questions and comments. None. Closed to public questions and comments.

The Board appreciated the changes the applicant made to the plans by bringing the numbers down to be more compliant. The houses are set forward on the street so the 6-foot front yard setback fits the neighborhood.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
 Eldy Pavon, Allyson Hroblak, Mary Doyle  
 OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Matt Sontz and James Keenoy

Motion carried.

Application approved.

**John & Kathryn Reed, 12 Tudor Oval**

Applicants are seeking approval to retain an existing basketball hoop, shed, and the width of a driveway contrary to Section 13.02F1, 17.05A, 13.03B1 of the Land Use Ordinance. Ordinance allows a maximum driveway width of 24 feet property. Existing and proposed width is 38 feet. Ordinance requires a shed to be located in the rear yard only. Existing and proposed location is the side yard. Ordinance requires a basketball court to be in the rear yard. Existing and proposed location is the front yard. **Application deemed complete May 28, 2019. 120 day decision date is September 25, 2019.**

Chairman Masciale swore in John & Kathryn Reed. Ms. Reed stated this summer we did an outdoor kitchen and patio. The permits for the work were approved, but when we submitted the new survey, a violation was issued by the zoning officer for the driveway, the shed, and basketball backboard. The shed is in our back-side yard and is less than 5 feet from the property line. The shed was there on the 2013 survey when some previous work was done, but the location was not raised as an issue in 2013. Mr. Reed said the shed is not visible for the street, and the neighbor on that side has never complained about the location of the shed. The basketball hoop was built in the front yard not knowing about the ordinance, and we have not had any complaints about it; you can't see it from the street. As part of the basketball hoop installation, we added a 20x13 carve out in the driveway. The carve out was added because there is an overhang on the garage that prevents you from shooting. It is only the upper portion of the driveway that has been widened, and there is grass behind the basketball hoop so there is not any risk to the neighbors.

Open to public questions and comments.

Richard Hiltz (2 Tudor Oval) stated he supports the application.

Closed to public questions and comments.

The Board felt the basketball hoop area is part of the driveway which is not an issue, it is set pretty far back, and there is a tree in front of the hoop area that provides some screening. The shed violation is more difficult to overlook. It violating two ordinance requirements by being located in a side yard and less than 5 feet from the property line.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the condition that the shed in the side yard be removed or moved to the rear of the property to comply with the ordinance; Carla Bonacci seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Eldy Pavon, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Matt Sontz and James Keenoy

Motion carried.

Application approved with conditions.

**Jennifer Khichi, 229 E. Dudley Avenue**

5/16/2019

Applicant is seeking approval to renovate an existing two-story carriage house to be used as a cabana and gathering room, and add a pergola/patio addition contrary to Section 13.01D and 13.01I1 of the Land Use Ordinance. Ordinance allows a maximum floor area of 750 square feet for an accessory structure. Proposed is 1,441 square feet. Ordinance allows a maximum building height of 15 feet for an accessory structure. Proposed 28 feet 6 inches. **Application deemed complete June 7, 2019. 120 day decision date is October 5, 2019.**

Chairman Masciale swore in Samrat & Jennifer Khichi, and their architect, David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. Khichi stated there is an existing carriage house from around 1850 we are looking to repair and restore. The previous owner was granted variance approval in 2007 to renovate the carriage house, but that work was not done, and the approval has expired. There has not been any substantial change to the existing home or grounds of the property since the previous variance was granted. Mr. Khichi stated the proposed renovations to the carriage house will be staying true to the historic integrity of the structure. The prior plans that were approved in 2007 were significantly changing the footprint. The previous plans included a wraparound porch with a solid roof, a large brick wood-burning fireplace, a three-car garage, and the basement was going to be filled in; all of which would have changed the look significantly. We feel this work will still keep the same character of the carriage house that exists now.

Mr. Bailey went through the plans with the Board. He stated the applicants are proposing to renovate the carriage house and use it as a pool cabana. The carriage house and an existing storage shed are putting the floor area over the 750 square foot maximum. The existing square footage of the carriage house is 956 square feet and the shed is roughly 61 square feet so the floor area for both accessory structures is 1,016 square feet, even before the pergola/patio addition is added. A changing room, bathroom, and gathering room are proposed with the addition of a patio and a pergola for shade. Mr. Bailey stated the materials that will be used will maintain the aesthetics of the structure, which will include cedar siding, a metal roof, and natural materials for the pergola. The height of 28.6 feet is an existing nonconformity, and is not changing. A variance is necessary for the patio and pergola addition which is adding to the existing nonconforming floor area.

Open to public questions and comments. None. Closed to public questions and comments.

The Board felt the applicants have taken a lot of time and detail going over the plans. The application is proposing doubling the size allowed for accessory structures, but it is less than what was approved in 2007. Looking at the size of the property, the property can handle the additional square footage, and there would still be a lot of open space left. The amount of square footage being asked for is within reason and the property is not being overbuilt. The Board agreed a condition about not using the carriage house as a residential or business use should part

of the approval. It was also recommended a condition be imposed that the materials used will be accordance with the testimony.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve with the following conditions: all materials to be used will be in accordance with the plans submitted and the testimony given, the accessory structure will not be used for a residential use or business use, and the pergola will remain an open structure; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Eldy Pavon, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Matt Sontz and James Keenoy

Motion carried.

Application approved with conditions.

Chairman Masciale made the following announcement:

The following applications have been carried to the October 16, 2019, meeting:

**Philip Ellenbogen, 1700 Boulevard**  
**Darryl Steinberg, 12 Manchester Drive**  
**Darren Mass, 944 Wyandotte Trail**

**YMCA, 138 Ferris Place & 220 Clark Street**

1/3/2019

Applicant is seeking approval to use the adjacent rear yards of three, single family homes owned by the applicant for employee parking contrary to Section 11.12A, 11.12E11, 13.02B2, 17.03C3, 17.05B, 17.07, 13.01A, 17.02A3, 11.12E14, 13.01GA, and 17.10B2 of the Land Use Ordinance. Ordinance allows parking for a residential use. Proposed is parking for a non-residential use. Ordinance allows a maximum coverage by improvements of 20% for lot 20 and 50% for lots 17, 18, and 19. Proposed is 57.8% for lot 17, 78.2% for lot 18, 77.4% for lot 19, and 77.4% for lot 20. Ordinance allows a maximum floor area for a shed of 150 square feet. Proposed is floor area of 400 square feet for lot 17. Ordinance requires parking areas and driveways to be set back a minimum of 10 feet from any abutting property located in any residential zone. Proposed is parking located less than 10 feet from abutting properties located in a residential zone. Ordinance requires driveways to be at least 10 feet in width. Proposed is a driveway width of 9.1 feet. Ordinance requires all parking, loading areas, and driveways to be curbed with granite block curbing. Proposed is no curbing. Ordinance requires all accessory buildings, structures, and uses to be located on the same lot as the principle structure. Proposed is a shed on lot 17 to serve lots 18, 19, and 20. Ordinance requires 2 parking spots for each lot/a residence with 3 bedrooms. Proposed are 7 spots on lot 17, 6 spots on lot 18, 5 spots on 19. Ordinance requires each residential unit to have a garage. Proposed are no garages for lot 17, 18, or 19, but there will be storage sheds. Ordinance requires an accessory building in the rear yard which abuts a front or side yard on an adjacent property to be setback a minimum of 10 feet. Proposed is a setback of 5 feet for Lot 19. Ordinance requires low level lighting on pavement for vehicle use. Proposed is no lighting on ingress and egress driveway areas. **Application deemed complete on March 12, 2019. 120 day decision date is July 10, 2019.**

John Schmidt, Esq. (53 Cardinal Drive) appeared on behalf of the applicant. He stated we presented testimony in June about the need for parking, and what the applicant has done to try address that need. Our engineer testified about the proposed use for the areas behind lots 17, 18, 19, and our planner also testified. There were some comments made by the Board concerning some of the variances being sought concerning setback, lighting, and locations of the sheds. We have taken those comments into consideration and have made certain revisions based on those comments. Also, in the time period since the application was heard, there has been a complaint made to the town about a rat infestation and we think we need to address that as well.

Chairman Masciale swore in Richard Koptyra (1 Turs Court, Wallington). Mr. Koptyra stated he works for Horizon Pest Control, and services the YMCA on a monthly basis for general pest control, rodent control, and checking bait stations. The bait stations for the YMCA are checked monthly and there has not been any rodent activity on the property. Two photos were marked as Exhibit A-3, and Mr. Koptyra indicated on the photo the existing bait traps.

Open to public questions.

Phyllis Buttrick (125 Ludlow Place) asked about the bait stations and if Mr. Koptyra noticed any burrowing near the sheds. Ms. Buttrick also asked if the bait stations have been there over the last few months or where added just recently.

Closed to public questions.

Chairman Masciale swore in Clark Lagemann (81 Nomahegan Drive). Mr. Lagemann is the Chief Operating Officer of the YMCA. He stated there were three sheds located on lot 17, and two of the three sheds have been relocated since the previous meeting. A photo marked as Exhibit A-4 shows one shed on lot 17, one shed on lot 18, and one shed on lot 19. Each shed is less than 150 square feet, and has been placed further away from the neighbors. Mr. Lagemann stated the shed previously proposed on lot 17, which was over 400 square feet is no longer proposed.

Open to public questions.

Tom Buttrick (125 Ludlow Place) asked if anything was ever kept outside the sheds.

John Keville (123 Ludlow Place) asked what the plan is for the panhandle area.

Jim Boyes (122 Ferris Place) asked if each of these individual sheds can be used to service the main YMCA property.

Phyllis Buttrick (125 Ludlow Place) asked who would govern the excess storage in the panhandle to make sure it does not happen again.

Closed to public questions.

Chairman Masciale swore in Thomas Quinn (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as a licensed engineer.

Mr. Watson went through the plans with the Board. A color version of sheet 2 of the site plan was marked as Exhibit A-5. He stated the parking area has been reduced since we were here last. The proposed improvements are now at least 10 feet off of the northerly portion where we abut three rear yards. By pulling the boundaries in and making the parking lot smaller we reduced the impervious coverage by another 700 square feet. The other change made is the light standards have been lowered. There was some concern about the freestanding lights being at 15 feet so we have lowered them to 12 feet. We eliminated the lights that were shown along the driveway leading into the parking lot area. There was some concern about the lights creating a runway affect. The 400 square foot shed previously proposed has been abandoned and the existing sheds have been moved so now there is a shed on each lot. Five parking spots have been eliminated, and now 18 parking spots in total are proposed. The same perimeter landscaping proposed will remain on the plan.

Open to public questions.

Tom Buttrick (125 Ludlow Place) asked after all the landscaping in place, how much room is there going to be to get from the main driveway to the shed, what is the width.

Jim Boyes (122 Ferris Place) asked if there will be parking in the panhandle area.

Closed to public questions.

Chairman Masciale stated the public will have time to make comments, a summary will be given by Mr. Schmidt, and a decision on the application will be made at the November 13th meeting.

An announcement was made the Board will be adjourning into executive session.

The Board entered executive session at 10:36pm.  
The executive session adjourned at 11:05pm.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:36pm.

Respectfully submitted,

Linda Jacus  
Board Secretary